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INTELLECTUAL PROPERTY

| | | | |
|--------|---------------------------------|---------|-----------------------------|
| To: | U.S. Patent & Trademark Office | From: | Ronald E. Smith |
| Attn: | Ralph Jean Bart, Art Unit: 2631 | Client: | 1372.08.PRWOUS |
| Fax: | 571-273-8300 | Pages: | 20 including coversheet |
| Phone: | 571-272-1017 | Date: | December 12, 2006 |
| Re: | USSN: 10/604,182 | CC: | University of South Florida |

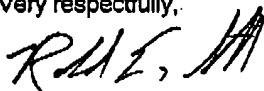
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Jean-Bart:

In response to the non-final office action mailed September 12, 2006, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 12, 2006 (2 pages); and
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 12, 2006 (17 pages):

Very respectfully,

Ronald E. Smith
USPTO Reg. No. 28,761

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

DEC 12 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/604,182 Confirmation No.
Applicant: : Dennis K. Killinger 1181
Filed: : 06/30/2003
TC/A.U. : 2631
Examiner : Ralph Jean Bart

Docket No. : 1372.08.PRWOUS
Customer No. : 21901
For : Open-Path/Free-Space Optical Communication System and
Method Using Reflected or Backscattered Light

Transmitted to Central Fax at (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of time is required.

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, are being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2631, Attn: Ralph Jean Bart, (571) 273-8300, on December 12, 2006.

Dated: December 12, 2006

April Turley

(Amendment Transmittal—page 1)

DEC 12 2006

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| | (Col.1) | | (Col. 2) | (Col. 3) | SMALL ENTITY | |
|--|---|-------|---------------------------------------|------------------|--------------|---------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Addit. Fee |
| Total | 29 | Minus | 33 | = 0 | x \$25 = | \$0 |
| Indep. | 5 | Minus | 5 | = 0 | x \$100 = | \$0 |
| First Presentation of Multiple Dependent Claim | | | | | + \$180 = | \$0 |
| Total | | | | | Addit. Fee | \$0 |

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 - ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 - *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



SIGNATURE OF PRACTITIONER

USPTO Reg. No: 28,761
Tel. No.: (813) 925-8505

Ronald E. Smith
Smith & Hopen, P.A.
180 Pine Avenue North
Oldsmar, Florida 34677

(Amendment Transmittal—page 2)

DEC 12 2006

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Hon. Commissioner for Patents
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Alexandria, VA 22313-1450

AMENDMENT A

Introductory Comments

Sir:

In response to the non-final Examiner's Action mailed 09/12/2006, having a shortened statutory period for response set to expire 12/12/2006, the above-identified patent application is amended a first time as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 4 of this paper.

Remarks begin on page 11 of this paper.